NOT FOR PUBLICATION

UNITED STATES DISTRICT COURT DISTRICT OF NEW JERSEY

.

XL SPECIALTY INSURANCE

Hon. Dennis M. Cavanaugh

COMPANY,

ORDER

Plaintiff,

Civil Action No. 09-00082 (DMC)

v.

INTERSTATE INDUSTRIAL CORPORATION, INTERSTATE DRYWALL CORPORATION, INTERSTATE MATERIAL CORPORATION, FRANK A. DITOMMASO, and PETER N. DITOMMASO,

:

Defendants.

DENNIS M. CAVANAUGH, U.S.D.J.:

This matter comes before the Court upon motion by Interstate Industrial Corporation ("Interstate"), Interstate Drywall Corporation ("Interstate Drywall"), Interstate Materials

Corporation ("Interstate Materials"), Frank A. DiTommaso, and Peter N. DiTommaso

(collectively "Defendants") to dismiss the Complaint pursuant to Fed. R. Civ. P. 12(b)(7) for failure to join a party under Fed. R. Civ. P. 19; and the Court having reviewed all submissions; and for the reasons stated in it is Opinion issued on this day;

IT IS on this 18th day of August 2009;

ORDERED that Defendants' motion to dismiss is **denied**.

S/ Dennis M. Cavanaugh
Dennis M. Cavanaugh, U.S.D.J.

Orig: Clerk

Cc: All Counsel of record

File